



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/705,948

11/13/2003

Michael Walter Hoche

Q78335

6731

23373 7590 11/20/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

VETTER, DANIEL

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

11/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,948	HOCHE ET AL.	
	Examiner	Art Unit	
	Daniel P. Vetter	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

10/705,948

Art Unit: 3628

DETAILED ACTION

Status of the Claims

1. Claims 1-13 were previously pending in this application. Claims 1-4, 10, 12-13 were amended; and new claims 14-18 were added in the reply filed September 10, 2007. Claims 1-18 are currently pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Newly added claims 16-18 depend from base claim 1. Claim 1 is directed to a process; however claims 16-18 further define structural features of an apparatus. The scopes of claims 16-18 are vague and indefinite because it is unclear how these structural limitations further limit how the process steps of claim 1 are performed; and therefore the claims do not reasonably apprise the public as to what would constitute infringement.

10/705,948

Art Unit: 3628

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-10, 12-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulawa, et al., Intl. Pat. Pub. No. WO 01/63820 (Reference 8 of the IDS submitted 11/13/2007) in view of Carlsson, et al., U.S. Pat. No. 6,026,291 (Reference A of the attached PTO-892).

8. As per claim 1, Bulawa teaches an accounting advisor method for guiding a user of a mobile telecommunication device when intending to invoke a service comprising: providing a service choice (page 7, line 28) and invoking a selected service (page 16, lines 1-2); and account processing at a subscriber's mobile telecommunication device (page 9, lines 15, 30), wherein the mobile telecommunication device is configured to process multiple accounts (page 13, lines 25-26) and providing the service choice (page 7, line 28), and wherein the processing comprises for each account, retrieving accounting information (page 16, line 15), for each account, analyzing service and tariff constraints based on recorded user behavior and the retrieved accounting information (page 14, line 29-30; page 16, lines 15-17), and deriving a recommended service based on said analyzing of the multiple accounts with respect to optimization criteria (page 16, lines 12-17). Bulawa does not explicitly teach deriving an account selection based on said analyzing of the multiple accounts; which is taught by Carlsson (col. 5, lines 53-55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Carlsson into the method taught by

10/705,948

Art Unit: 3628

Bulawa to allow a single user to choose between a default subscription account and at least one other account for call charges (col. 2, lines 3-5).

9. As per claim 3, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa further teaches recording user behavior into a user profile (page 18, lines 1-3).

10. As per claim 4, Bulawa teaches a mobile telecommunication device adapted to guide a user when intending to invoke a service, wherein said mobile telecommunication device comprises: an advisor unit recording user behavior (page 15, lines 7-9); retrieving accounting information for each of multiple accounts of the user (page 13, lines 25-26; page 16, line 15); analyzing service and tariff constraints of each of the multiple accounts based on the recorded user behavior and the accounting information of a respective account (page 14, line 29-30; page 16, lines 15-17); and deriving a recommended service (page 16, lines 12-17), and providing an accounting and service guidance by a user interface based on said recommended service and account selection when invoking or intending to invoke a service or network logon (page 17, lines 1-15). Bulawa does not explicitly teach deriving an account selection; which is taught by Carlsson (col. 5, lines 53-55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Carlsson into the device taught by Bulawa to allow a single user to choose between a default subscription account and at least one other account for call charges (col. 2, lines 3-5).

11. As per claim 5, Bulawa in view of Carlsson teaches the device of claim 4 as described above. Bulawa further teaches the mobile telecommunication device is embedded within a notebook, a personal digital assistant (PDA), a personal computer, or a car-telematic system (page 9, lines 30-31).

12. As per claim 6, Bulawa in view of Carlsson teaches the device of claim 4 as described above. Bulawa further teaches said user interface comprises a user interface

10/705,948

Art Unit: 3628

for invoking a service or network logon with an accounting and service guidance when invoking a service by raising a menu with at least one recommended selection (page 9, lines 16-19).

13. As per claim 7, Bulawa in view of Carlsson teaches the device of claim 4 as described above. Bulawa further teaches said user interface comprises elements for additionally providing information on which a recommended selection is based (page 9, lines 17-18).

14. As per claim 8, Bulawa in view of Carlsson teaches the device of claim 4 as described above. Bulawa further teaches said user interface comprises elements for additionally providing information about consequences of a selection (page 9, lines 17-18).

15. As per claim 9, Bulawa in view of Carlsson teaches the device of claim 4 as described above. Bulawa further teaches said user interface comprises elements for providing application-context related information, known from former usage by the identified user (page 9, lines 17-18).

16. As per claim 10, Bulawa teaches a base station in a mobile telecommunication infrastructure adapted to enable a mobile telecommunication device guiding a user when intending to invoke a service (page 9, lines 29-31), wherein said base station and said mobile telecommunication device comprise accounting means that are enabled for exchanging accounting information based on accounting inquiries (page 18, lines 1-3) and wherein the guiding of the user by the mobile communication device comprises: for each of multiple accounts of the user, retrieving accounting information (page 13, lines 25-26; page 16, line 15), for each of the multiple accounts, analyzing service and tariff constraints based on recorded user behavior and the retrieved accounting information (page 14, line 29-30; page 16, lines 15-17), and deriving a recommended service based on said analyzing of the multiple accounts with respect to optimization criteria (page 16, lines 12-17). Bulawa does not explicitly teach deriving an account selection based on

10/705,948

Art Unit: 3628

said analyzing of the multiple accounts; which is taught by Carlsson (col. 5, lines 53-55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Carlsson into the apparatus taught by Bulawa to allow a single user to choose between a default subscription account and at least one other account for call charges (col. 2, lines 3-5).

17. As per claim 12, Bulawa teaches a computer readable medium storing instructions for guiding a user of a mobile telecommunication device when intending to invoke a service, wherein the instructions comprise: recording user behavior (page 15, lines 7-9), retrieving and processing accounting information for each of multiple accounts (page 13, lines 25-26; page 16, line 15), analyzing and evolving service or tariff constraints for each of the multiple accounts based on the user behavior and retrieved accounting information of a respective account (page 14, line 29-30; page 16, lines 15-17). Bulawa does not explicitly teach deriving a recommended account selection based on optimization criteria or strategies and based on said analyzing; which is taught by Carlsson (col. 5, lines 53-55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Carlsson into the medium taught by Bulawa to allow a single user to choose between a default subscription account and at least one other account for call charges (col. 2, lines 3-5).

18. As per claim 13, Bulawa in view of Carlsson teaches the medium of claim 12 as described above. Bulawa further teaches said computer readable medium further comprises downloadable enhancements (page 18, lines 11-14).

19. As per claim 15, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa further teaches the service comprises establishing a connection with a telephone network (page 9, line 8).

20. As per claim 16, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa further teaches the mobile telecommunication device stores a

10/705,948

Art Unit: 3628

table comprising a plurality of rows (page 6, line 1 - "database"), wherein each row has the accounting information for a respective device (page 6, line 2), wherein each row has a field indicating a provider, a respective service, a cost of the respective service, and a plurality of characteristics of the respective service (page 6, lines 12-16).

Examiner notes that even if Bulawa is read to store this information remotely, it is suggested that it can be stored locally (page 19, lines 6-7) and it would have been prima facie obvious to incorporate this feature as this is a mere routine expedient that produces predictable results.

21. As per claim 17, Bulawa in view of Carlsson teaches the method of claim 16 as described above. Bulawa further teaches said plurality of characteristics of the respective service comprise invocation information, duration for the cost, location and time of the respective service (page 6, lines 12-16).

22. As per claim 18, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa further teaches the mobile telecommunication device comprises a user interface (page 6, line 11), wherein the user interface comprises a service selection component, a provider selection component, an explanation component, and a control component (page 6, lines 11-14; page 17, lines 17-20).

23. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulawa, et al. in view of Carlsson, et al. as applied to claims 1 and 10 above, in further view of Gell, U.S. Pat. No. 6,577,858 (Reference B of the attached PO-892).

24. As per claim 2, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa in view of Carlsson does not teach negotiating service and tariff characteristics; which is taught by Gell (col. 1, lines 38-40). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Gell into the method taught by Bulawa in view of

10/705,948

Art Unit: 3628

Carlsson to operate in a system with no "standard" tariffs and instead all calls are priced individually (as taught by Gell; col. 1, lines 42-44).

25. As per claim 11, Bulawa in view of Carlsson teaches the apparatus of claim 10 as described above. Bulawa in view of Carlsson does not teach said accounting means are enabled for trading and answering on negotiation requests with service or tariff characteristics; which is taught by Gell (col. 21, lines 2-4). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Gell into the apparatus taught by Bulawa in view of Carlsson to operate in a system with no "standard" tariffs and instead all calls are priced individually (as taught by Gell; col. 1, lines 42-44).

26. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bulawa, et al. in view of Carlsson, et al. as applied to claim 1 above, in further view of Pedersen, et al., U.S. Pat. Pub. No. 2002/0004380 (Reference C of the attached PTO-892).

27. As per claim 14, Bulawa in view of Carlsson teaches the method of claim 1 as described above. Bulawa in view of Carlsson does not teach the multiple accounts comprise a plurality of SIM cards and prepaid cards; which is taught by Pedersen (§ 0018). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Pedersen into the method taught by Bulawa in view of Carlsson because use of prepaid SIM cards in mobile communications is increasing as they enable upper limits and payment for roaming calls at local tariffs (as taught by Pedersen; § 0003).

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White, et al., U.S. Pat. No. 5,878,122 (Reference D of the attached PTO-892) teaches a long distance service bureau that assists subscribers in

10/705,948

Art Unit: 3628

selecting a long distance carrier for a long distance, or tariff, call; wherein a rate table memory stores rate data, representing tolls charged by various long distance carriers, and subscriber preference data, representing a subscriber's preferences for certain ones of the various long distance carriers. Marsh, et al., U.S. Pat. No. 6,574,465 (Reference E of the attached PTO-892) teaches a method for analyzing wireless communication data for determining an optimal wireless communication service plan; wherein a transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan, a storage unit stores the billing information, and a processor processes the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

Application/Control Number:

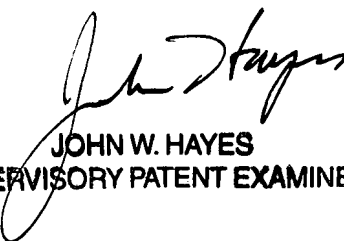
Page 10

10/705,948

Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER